

J002 Rec'd PCT/PTO 08 SEP 2005 PCT

Practitioner Docket No. 701039-050025 US

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: ZETTER, Bruce et al.

Application No.: 10/537,455

Group No.: To be assigned

Filed I.A.: 09 January 2004

Examiner: To be assigned

For: METHODS FOR DIAGNOSIS AND PROGNOSIS OF CANCER

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.8(a) and 1.10)

I hereby certify that this correspondence:

1. Transmittal Form (1 pg.);
2. Information Disclosure Statement (1 pp.);
3. Form 1449 (1 pg.);
4. References A1, B1 and C1-C2;
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Catherine Kearns
(Signature of person mailing paper)

September 8, 2005



PTO/SB/21 (09-04)

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	10/537,455
Filing Date	09 January 2004
First Named Inventor	ZETTER, Bruce et al.
Art Unit	To be assigned
Examiner Name	To be assigned
Attorney Docket Number	701039-050025 US

ENCLOSURES (Check all that apply)

- ☐ Fee Transmittal Form
- ☐ Fee Attached
- ☐ Amendment/Reply
- ☐ After Final
- ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☒ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Reply to Missing Parts/
Incomplete Application
- ☐ Reply to Missing Parts
under 37 CFR 1.52 or 1.53

- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition
- ☐ Petition to Convert to a
Provisional Application
- ☐ Power of Attorney, Revocation
Change of Correspondence Address
- ☐ Terminal Disclaimer
- ☐ Request for Refund
- ☐ CD, Number of CD(s) _____
- ☐ Landscape Table on CD

- ☐ After Allowance Communication to TC
- ☐ Appeal Communication to Board
of Appeals and Interferences
- ☐ Appeal Communication to TC
(Appeal Notice, Brief, Reply Brief)
- ☐ Proprietary Information
- ☐ Status Letter
- ☒ Other Enclosure(s) (please identify
below):
Certificate of Mailing; Reference
A1,B1, and C1-C2 and Return Receipt
Postcard.

Remarks

The Commissioner is hereby authorized to charge any fee deficiencies or credit any overpayment to the Nixon Peabody LLP Deposit Account 50-0850.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	NIXON PEABODY LLP		
Signature			
Printed name	David S. Resnick		
Date	9/6/05	Reg. No.	34,235

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Signature			
Typed or printed name	Catherine Kearns	Date	9/6/05

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Document No. 701039-050025 US

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **ZETTER, Bruce et al.**

Application No.: **10/537,455**

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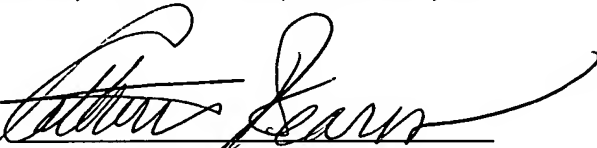
Examiner: **To be Assigned**

For: **METHODS FOR DIAGNOSIS AND PROGNOSIS OF CANCER**

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Date: September 6, 2005


Catherine Kearns

MAIL STOP AMENDMENT

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT

In accordance with the provisions of 37 C.F.R. §§1.56 and 1.97, Applicants herewith submit the publications and/or patents shown on the attached form PTO-1449, for consideration by the Examiner in connection with the examination of the above-identified patent application.

I. REMARKS

In accordance with the provisions of 37 C.F.R. §1.97, this statement is being filed:

- X (1) within three (3) months of the Filing Date or **before the mailing date of the First Office Action** on the merits; or
- (2) within three months of the mailing date of the European Search Report; or

- (3) after the period defined in (1) but before the mailing date of a **Final Rejection or Notice of Allowance**, and the requisite Certification or fee under Rule 1.17(p), namely **\$180.00**, is included herein; or
- (4) after the mailing date of a **Final Rejection or Notice of Allowance** but before the payment of the **Issue Fee**, and the requisite Certification, petition, and petition fee are included herein.

It is respectfully requested that each of the documents shown on the attached form(s) PTO-1449 be made of record in this application. Copies of these documents (CHECK ONE):

- X are enclosed herewith; and
- have been cited in the parent application, and are thus not being resubmitted herein.
- Early examination and allowance of the present application are respectfully solicited.

FEE AUTHORIZATION

Should any fees associated with the submission be required, the Commissioner is authorized to charge the missing fee to our Deposit Account No. 50-0850. Any overpayments should be credited to said Deposit Account.

Respectfully submitted,



David S. Resnick (Reg. 34,235)
NIXON PEABODY LLP
100 Summer Street
Boston, MA 02110
(617) 345-6057

Date: September 6, 2005

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Substitute for form 1449 PTO			Complete if Known		
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)			Application Number	10/537,455	
			Filing Date	I.A. 09 January 2004	
			First Named Inventor	ZETTER, Bruce et al.	
			Art Unit	To be assigned	
			Examiner Name	To be assigned	
Sheet	1	of	1	Attorney Docket Number	701039-050025-US

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number Number - Kind Code* (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear
	A1	US 6,150,117	11/21/00	Zetter, Bruce et al.	

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant Of Cited Document	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear
	B1	JP 08004717	7/29/00	Yokoyama et al.	

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	
	C1	SHOU et al., "Expression profiling of a human cell line model of prostatic cancer reveals a direct involvement of interferon signaling in prostate tumor progression." <i>Proceedings of the National Academics of Science, USA. March 5, 2002, Vol. 99, No. 5; 2830-2835</i>	
	C2	YOKOYAMA, M., et al. "Identification and Cloning of Neuroblastoma-Specific and Nerve Tissue-Specific Genes through Compiled Expression Profiles." <i>DNA Research</i> , 1996, 3: 311-320	
		Date Considered	

*EXAMINER if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

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